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Attorneys for Plaintiff

SUN MICROSYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,

Plaintiff,

v.

IMPLICIT NETWORKS, INC.,

Defendant.

Case No. C09-00201 SI

**STIPULATION AND [PROPOSED]
ORDER TO DISMISS WITH PREJUDICE**

The Plaintiff Sun Microsystems, Inc. and Defendant Implicit Networks, Inc., pursuant to 41(a)(2) and (c) of the Federal Civil Judicial Procedure and Rules, hereby move for an order dismissing this action with regard to all claims and counterclaims brought, respectively, of Plaintiff Sun Microsystems, Inc. and Defendant Implicit Networks, Inc., in their entirety WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

Dated: April 6, 2009

FISH & RICHARDSON P.C.

By: /s/ Robert J. Kent
Robert J. Kent

Attorneys for Plaintiff
SUN MICROSYSTEMS, INC.

Dated: April 6, 2009

HOSIE RICE LLP

By: /s/ George F. Bishop
George F. Bishop

Attorneys for Defendant
IMPLICIT NETWORKS, INC.

Pursuant to General Order 45, Section X(B) regarding signatures, I Attest under penalty of perjury that concurrence in the filing of this document has been obtained from George F. Bishop.

Dated: April 6, 2009

FISH & RICHARDSON P.C.

By: /s/ George F. Bishop
George F. Bishop

Attorneys for Defendant
IMPLICIT NETWORKS, INC..

PURSUANT TO STIPULATION, this matter is hereby dismissed with prejudice, with all parties to bear their own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: _____



Honorable Susan Illston
JUDGE OF THE U.S. DISTRICT COURT

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